

RECEIVED
CENTRAL FAX CENTER

APR 30 2004

OFFICIAL**Wallenstein**
Wagner &
Rockey
INTELLECTUAL PROPERTY LAW311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
phone: 312-554-3300
fax: 312-554-3301
www.wwrfirm.com

FACSIMILE TRANSMITTAL SHEET

TO:	Examiner Donald R. Valentine	FROM:	Keith V. Rockey
COMPANY:	U.S. Patent Office, Art Unit 1742	DATE:	4/30/2004
FAX NUMBER:	1-703-872-9306	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	114183/00010
RE:	Request for Declaration of Interference under 37 C.F.R. § 1.606	YOUR REFERENCE NUMBER:	Confirmation No. 4366 Application No. 09/977,410

This fax may contain Attorney work product, which is privileged and confidential

NOTES/COMMENTS:

Should you have any problems with receipt of this facsimile transmission, please contact Linda Johnson at (312) 435-7640.

CONFIDENTIALITY NOTICE: The information contained in this facsimile message and the documents accompanying this facsimile message are attorney privileged and confidential information intended only for the use of the named individual or entity. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message and all copies to us at the address listed above via the U.S. Postal Service.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lyndon W. Graham, et al.

Appl. No.: 09/977,410

Conf. No.: 4366

Filed: October 15, 2001

Title: ELECTROPLATING SYSTEM HAVING AUXILIARY
ELECTRODE EXTERIOR TO MAIN REACTOR CHAMBER
FOR CONTACT CLEANING OPERATIONS

Art Unit: 1742

Examiner: Donald R. Valentine

Docket No.: 114183-10

RECEIVED
CENTRAL FAX CENTER

APR 30 2004
OFFICIAL

REQUEST FOR DECLARATION OF INTERFERENCE
UNDER 37 C.F.R. § 1.606

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants in the above-captioned application hereby respectfully request that the Examiner in charge of the present application forward the application to the Interference Branch for declaration of an interference between this application and U.S. Patent No. 6,132,587. The grounds for this request are as follows.

Application No. 09/977,410
Request for Declaration of Interference
April 30, 2004

The present application was filed October 15, 2001 and requested that an interference be declared between this application and claims of the '587 patent above. Applicants herein copied claims 1, 2, 5, and 19 from the '587 patent as application claims 35, 36, 37, and 38, respectively, in this application. In the most recent Office Action, the Examiner allowed claim 35 (corresponding to claim 1 of the '587 patent) but rejected the remaining claims over the prior art. Applicants' attorney accordingly telephoned the Examiner, and advised the Examiner that an interference should be declared under 37 C.F.R. § 1.606. That regulation prescribes, as a condition precedent to the declaration of an interference between an application and an issued patent, that the Examiner must determine that there is patentable subject matter in the application. The Examiner has thus indicated that claim 35 is allowed and therefore the interference should be declared.

As Applicants' attorney pointed out to the Examiner, the issues respecting the remaining claims can be dealt with in the interference proceeding. Either those claims should be found patentable to Applicants or the same claims must be declared unpatentable to the patentee as well.

In any event, Applicants believe that the appropriate course of action is to have the interference declared forthwith and a notice to that effect suspending prosecution and indicating that the file has been sent to the Interference Branch is respectfully solicited.


APR. 29. 2004 11:25PM

WALN WAGN & ROCKEY

NO. 8108 P. 4

Application No. 09/977,410
Request for Declaration of Interference
April 30, 2004

Respectfully submitted,



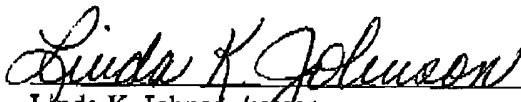
Keith V. Rockey
Registration No. 24,718

Wallenstein Wagner & Rockey, Ltd.
311 South Wacker Drive
53rd Floor
Chicago, Illinois 60606

April 30, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document is being facsimile transmitted to Examiner Valentine, Art Unit No. 1742, at the U.S. Patent and Trademark Office to Fax No. (703) 872-9306 on April 30, 2004.



Linda K. Johnson/199725